A Developmental Services Bulletin from the Ministry of Community and Social Services

Ontario's New Developmental Services Legislation

This spring, Minister Madeleine Meilleur introduced new legislation to replace Ontario's 35-year-old Developmental Services Act. And on September 30, 2008, this proposed legislation passed. Issue 10 of Spotlight is focused on the exciting changes this new legislation will bring.

The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 is new legislation that will help people with a developmental disability get the right mix of services and supports to participate more fully in their communities. It received Royal Assent on October 8, 2008, making it a new Act.

This Act will help us build a modern, sustainable developmental services system that reflects how people live today — in communities, not institutions. For people with a developmental disability and their families, it means:

Better service — so that people can get services and supports more easily and closer to home.

More choice — so that people and families can get services and supports that fit their needs.

And fairness — so that everyone will be treated fairly across Ontario.

How your input helped shape this legislation

People living with a developmental disability and their families are at the heart of this Act. We developed it based on consultations with individuals, families and developmental service organizations.

Before the proposed legislation passed, the Standing Committee on Social Policy held four public hearings in Toronto, London, Timmins and Ottawa to get feedback from people across Ontario. Individuals, family members, developmental service agencies, associations and union representatives made 77 presentations to the Standing Committee. They also sent 145 written submissions.

After the public hearings, the Standing Committee received many motions to make changes to the proposed legislation. They voted on these motions at a clause-by-clause review on September 8, 2008. During clause-by-clause review, the Standing Committee considered every part of the proposed legislation in detail.

The Standing Committee voted to approve many of the changes suggested by people across Ontario. Major changes included:

- A new title that recognized the importance of social inclusion
- "Services and supports" instead of just "services"
- Making person-directed planning a ministry-funded support
- An application process instead of application centres
- Regulations that would outline criteria for inspections
- Limits on agency take-overs
- Publishing waiting lists
- A complaints resolution process for agencies
- Public feedback on draft regulations

These important changes would help people with a developmental disability get the services and supports they need to live more independently, participate more fully and be truly included in Ontario communities. As a result, the proposed legislation quickly passed on September 30, 2008 and received Royal Assent on October 8, 2008.

The key features

This Act means more independence and choice for people with a developmental disability and their families. It lays the foundation for a modern developmental services system that will be here for the long-term.

It features:

- **New, modern language**

  The Act talks about services and supports. Supports are more flexible and provide many forms of assistance. This gives people more choice and independence.

  It also eliminates the words "facility" and "institution" as Ontario's last three institutions will close by 2009.

- **A new definition for a developmental disability**

  The new definition of developmental disability will not be based strictly on IQ. It will also consider a person's adaptive functioning.

  The Act outlines eligibility criteria that will be applied fairly and consistently across Ontario.

- **Person-directed planning**

  This will be recognized as a ministry-funded support.

  It will help people with a developmental disability prepare life plans that lay out their distinct needs and goals.

  These plans will help them make the most out of funding and outline ways they can participate in community activities.

- **More accountability**

  The Act provides quality standards and accountability requirements for agencies and people who receive direct funding.

- **A new application and assessment process**

  The new application and assessment process will be consistent, fair and standardized across the province.

  Application bodies will provide information, determine if someone is eligible for services and supports, and arrange to assess how much support the person needs.

  Funding bodies will determine how much funding a person is allowed. They will also determine how urgent the person's service/ support needs are based on his or her assessment.

  Individuals and families will be involved in determining the right amount of supports for their needs.

- **Direct funding**

  This will give people with a developmental disability and their families more choice and flexibility.

  Some families may want to receive services through an agency.

  Some families may want to buy supports themselves.

  And some families may want a combination of both.

- **The legal authority to enforce standards and requirements**

  The government will be able to take corrective action if it finds serious issues, like health, safety or financial problems.

  The minister can appoint someone to take over a ministry-funded agency if people with a developmental disability are in immediate danger.

  The Act will clearly explain the circumstances when the ministry can take over an agency.

- **The legal right to inspect ministry-funded supported living residences and intensive support residences**

  The ministry can inspect these homes at any reasonable time without consent or a warrant. This would only be done to protect the safety of residents.

  Regulations will clearly outline how and when inspectors could enter these ministry-funded homes.

- **Public reports on waiting lists**

  Funding bodies must provide annual reports on waiting lists for services, supports and direct funding in their regions.

  The government will then publish a report on waiting lists within 60 days of receiving this information.

- **A complaints resolution process for agencies**

  Agencies will need to develop clear procedures for how people can file complaints.

  They must also explain their process for resolving complaints.

- **A public review of all draft regulations**

  The ministry will publish all regulations for the public to comment on and review for at least 45 days before they become final.

What's next?

1. Now that it has passed and received Royal Assent, we are working on the regulations that support this new Act.
Regulations define all the details of an Act.

2. After all of the Act's details have been worked out through regulations, the Lieutenant Governor will pick a day for it to "come into force." On that day it will become law throughout Ontario, replacing the old Developmental Services Act.

Until this happens, we will continue to use the Developmental Services Act. To read the Developmental Services Act, visit the e-laws website at **www.e-laws.gov.on.ca**. Choose the Developmental Services Act, 1990. You can read the new Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 at **www.e-laws.gov.on.ca**. Click on "Source Law."

3. Here at Spotlight, we'll keep you posted on the regulations. We'll also let you know when Ontario's new Act officially becomes law.

"This new legislation means that people with a developmental disability will take their rightful place in Ontario communities. Today, we know that with the right supports, the right care, and the right attitudes, people with a developmental disability don't just survive in a community — they thrive."

Madeleine Meilleur.

Spotlight on transformation

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You Asked Us: The Services and Supports to Promote the

Question:

When will the old Developmental Services Act be replaced with the new Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008?

Answer:

Before we can replace the old Act, we have to prepare the regulations that outline the details of the new Act. We will then invite the public to provide feedback on the regulations before they become final.

After this happens, the Lieutenant Governor will select a day when the new Act will "come into force." On that day, Ontario's new Act will become law across the province and will officially replace the old Developmental Services Act.

Question:

How can we help shape this Act's regulations?

Answer:

The government voted to publish all draft regulations of this Act to give you an opportunity to review them before they become final. We will publish the regulations for at least 45 days, and you will be able to comment on them and suggest your changes during this period.

Question:

The new Act changes the definition of developmental disability and updates eligibility criteria. Will people who are already receiving services have to reapply?

Answer:

No, the new Act "grandparents" adults with a developmental disability who are already eligible for services under the Developmental Services Act. This means that people who are already receiving — or are eligible to receive — services and supports will not need to reapply. They will not lose their eligibility.

In fact, the new definition of developmental disability is broader than the current one. We updated the definition and eligibility criteria to make sure people get treated fairly and consistently across Ontario.

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